

ZONING BOARD OF APPEALS MEETING MINUTES

OCTOBER 4, 2004

PRESENT: Mary Cardin, Kenneth Braga, Robert Palozej (arr. 7:06 PM), Mark Spurling, Alfred Francis (arr. 7:06 PM), and Richard Cleary and Alternates Robert Wambolt, Joseph Snyder, and Adam LaFleche

ABSENT: None

STAFF

PRESENT: Rick Kalva, ZEO and Reanna Goodreau, Recording Secretary

I. CALL TO ORDER:

Chairman Cardin called the Zoning Board of Appeals (ZBA) meeting to order at 7:02 PM at the Ellington Town Hall Annex, 57 Main Street, Ellington, CT.

II. PUBLIC COMMENTS: NONE

III. PUBLIC HEARINGS:

1. #V200419—Tony Littizio for the Board of Education for a variance to Ellington Zoning Regulations, Section 5.2 Area & Yard Requirements Schedule: to reduce the side yard setback from 10 feet to 1 foot for storage shed on property located at 47 Main Street, APN 064-016-0000 in a C Zone.

TIME: 7:03 PM

SEATED: M. Cardin, K. Braga, R. Palozej, M. Spurling, A. Francis & R. Wambolt

Tony Littizio, Director of Business Services for the Board of Education, came forward to explain the application. He stated that the shed would be used for storage of paper, files, and small hand tools.

Commissioner Wambolt asked if there was enough clearance between the doors of the shed and the parking area and was told yes.

Commissioner Spurling asked if there was any other location that the shed could be placed on the property. Mr. Littizio replied that there is only one other area in the way back, but that would be an inconvenience in the winter when people needed to get files.

MOVED (SPURLING), SECONDED (WAMBOLT) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #V200419—TONY LITTIZIO FOR THE BOARD OF EDUCATION.

MOVED (FRANCIS), SECONDED (BRAGA) AND PASSED UNANIMOUSLY TO APPROVE #V200419—TONY LITTIZIO FOR THE BOARD OF EDUCATION.

HARDSHIP: PROPERTY LAYOUT IN RESPECT TO PARKING & FOR TOWN USE.

2. #V200420—Alfred Rubino for a variance to Ellington Zoning Regulations, Section 5.2 Area & Yard Requirements Schedule: to reduce the side yard setback from 15 feet to 10 feet for an inground pool on property located at 24 Jonathan Drive, APN 014-010-0020 in an AA Zone.

TIME: 7:20 PM

SEATED: M. Cardin, K. Braga, R. Palozej, M. Spurling, R. Cleary & A. Francis

Al Rubino came forward to explain the application. He stated that he had Landmark Surveys show the location of the pool, which was 25' from the septic system. He explained that the pool needed to be away from the footing drain. He noted that there was no other place to place the pool because of the large septic system area, the curtain drain and outlet, and waterway to the detention pond.

Chairman Cardin asked why the pool couldn't be placed between the septic area and the curtain drain and was told that it is wet in that area. Mr. Rubino stated that the area chosen was the flattest area. Chairman Cardin noted her concern about placing the pool so close to the property line, especially since the adjacent lot isn't built on.

A representative from Juliano's Pools, the applicant's contractor, came forward. He stated that they tried putting the pool in other locations, but it was either too close to the septic system, property lines, and/or the curtain drain. He explained that they will have to re-route the footing drain.

MOVED (SPURLING), SECONDED (CLEARY) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #V200420—ALFRED RUBINO.

MOVED (SPURLING), SECONDED (CLEARY) AND PASSED (AYES: BRAGA, PALOZEJ, SPURLING, CLEARY & FRANCIS; NAYS: CARDIN) TO APPROVE #V200420—ALFRED RUBINO.

HARDSHIP: TOPOGRAPHY & SITE LAYOUT.

IV. UNFINISHED BUSINESS:

1. #V200415—Cumberland Farms, Inc. for variances to Ellington Zoning Regulations, Section 5.3(g)(1)(a)&(b), Variations in Area & Yard Requirements/Additional Yard Requirements; Section 5.2 footnotes 1 & 6, Footnotes to Area & Yard Requirements Schedule; Section 7.7d5(a) &(c), Minimum Parking & Loading Space Requirements/Location of Parking Facilities; Section 7.7b(5)(a) & (b), Signs/Attached Signs Permitted in C, PC, I, & IP Zones; Section 7.7b(6)(a)(2) & (3), Signs/Detached Signs Permitted in C, PC, I, & IP Zones: to reduce front yard setback along Wapping Wood Road from 52.25 feet to 51.3 feet for a convenience store and from 52.25 feet to 18.6 feet for a gas canopy and to reduce front yard setback along Windsorville Road from 47.25 feet to 22.7 feet for a gas canopy; to reduce side yard setback from 50 feet to 33.8 feet and to reduce side yard setback from 50 feet to 30.7 feet for a convenience store; to reduce setback from parking to a structure from 20 feet to 7 feet; to reduce parking setback from front property line from 30 feet to 18.6 feet along Wapping Wood Road and reduce parking setback from 30 feet to 18.9 feet along Windsorville Road; to increase attached signage from 2 signs to 3 signs and to increase the total of sign area for all three signs from 93 square feet to 100.8 square feet; to increase sign area for a detached sign to 48 square feet and increase height to 18 feet for construction of detached sign in conjunction with a convenience store and gas station on property located at 5 Wapping Wood Road, APN 026-009-0000 in a C Zone.

TIME: 7:33 PM

SEATED: M. Cardin, K. Braga, R. Palozej, M. Spurling, R. Wambolt & A. LaFleche

Chairman Cardin reviewed who the members were that would be seated. She asked the members who were not present for all hearings if they felt that they had sufficient information to vote and was told yes.

The commission discussed the variance requests. The members felt that the project was too large. Chairman Cardin asked if there were any parts of the variance requests that the members were in favor of and there were no responses.

MOVED (BRAGA), SECONDED (SPURLING) AND FAILED UNANIMOUSLY TO APPROVE #V200415—CUMBERLAND FARMS, INC.

V. NEW BUSINESS:

1. Discussion of the Build Out Report (transmittal from the First Selectman).

Commissioner Braga reviewed the Build Out Report. There was a discussion regarding the newly created Design Review Board. Commissioner Braga stated that the Build Out Report is about planning and is a step in the right direction for the Town. Commissioner Cleary noted that

the Planning & Zoning Commission had tried to change the zoning in town before, but their efforts failed because there was no information to substantiate the changes.

MOVED (CARDIN), SECONDED (SPURLING) AND PASSED UNANIMOUSLY TO ENDORSE THE BUILD OUT REPORT AND ENCOURAGE THE BOS TO IMMEDIATELY TAKE ACTION TO IMPLEMENT THE RECOMMENDATIONS IN THE REPORT.

VI. ADMINISTRATIVE BUSINESS:

1. #V200418 – Bruce & Karen Luginbuhl appeal of the Zoning Enforcement Officer's Cease & Desist Order at 34 Ludwig Road.

THE COMMISSION ACKNOWLEDGED THE WITHDRAWAL OF THE APPEAL (#V200418).

2. Approval of Meeting Minutes
 - a. August 2, 2004 meeting minutes

MOVED (PALOZEJ) SECONDED (SPURLING) AND PASSED (ABSTAINED: BRAGA) TO APPROVE THE AUGUST 2, 2004 MEETING MINUTES.

- b. September 13, 2004 meeting minutes

MOVED (PALOZEJ) SECONDED (WAMBOLT) AND PASSED UNANIMOUSLY TO APPROVE THE SEPTEMBER 13, 2004 MEETING MINUTES.

3. Correspondence:
 - a. Letter to Board of Selectmen from Kenneth LaForge, dated 9/20/04
 - b. Ad Hoc Design Review Board Minutes & Agenda, received 9/14/04

RECEIPT NOTED.

VII. ADJOURNMENT:

MOVED (BRAGA) SECONDED (CLEARY) AND PASSED UNANIMOUSLY TO ADJOURN THE MEETING AT 8:13 PM.

Respectfully Submitted,

Reanna Goodreau
Recording Secretary